

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 20-10833-RGS

CHRISTOPHER A. VIGER

v.

JUDGE RAFFI YESSAYAN,
ADA PATRICK DRISCOLL,
ADA CAROLYN MORRISETTE,
SUSAN FARIA PONTE

ORDER

May 12, 2020

STEARNS, D.J.

This action is DISMISSED without prejudice pursuant to 28 U.S.C. §1915A for failure to state a claim upon which relief can be granted. Under Section 1915A, this court must “review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.” 28 U.S.C. §1915A(a). As part of that review, the court is required to “dismiss the complaint or any portion of the complaint, if the complaint . . . fails to state a claim upon which relief may be granted. . .” 28 U.S.C. §1915(b).

Here, the court dismisses the action without prejudice because Viger either impermissibly seeks to enforce state criminal statutes in a civil action in this court, *see Lozano v. Suffolk Superior Court*, No. CV 14-13123-FDS, 2015 WL 5684071, at *3 (D. Mass. Sept. 28, 2015) (Saylor, J.) (dismissing claim in part brought under Mass. Gen. Laws ch. 268 §13E), aff'd (Aug. 24, 2016), and/or seeks to have this court interfere with a criminal complaint subsequently brought by Viger against these same parties, in which case this court abstains from exercising jurisdiction under *Younger v. Harris*, 401 U.S. 37, 46 (1971).

Accordingly, this action is hereby DISMISSED without prejudice. The Clerk is directed to enter a separate order of dismissal of this action without prejudice and close the case. Because it is unclear whether Viger intended to file a civil action, a filing fee is not assessed.

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE